

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fallen Firefighters Assistance Tax Clarification Act of 2006”.

SEC. 2. PAYMENTS BY CHARITABLE ORGANIZATIONS WITH RESPECT TO CERTAIN FIREFIGHTERS TREATED AS EX-EMPT PAYMENTS.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, payments made on behalf of any firefighter who died as the result of the October 2006 Esperanza Incident fire in southern California to any family member of such firefighter by an organization described in paragraph (1) or (2) of section 509(a) of such Code shall be treated as related to the purpose or function constituting the basis for such organization's exemption under section 501 of such Code if such payments are made in good faith using a reasonable and objective formula which is consistently applied.

(b) APPLICATION.—Subsection (a) shall apply only to payments made on or after October 26, 2006, and before June 1, 2007.

Mr. LEWIS of California. Mr. Speaker, the communities in our Southern California mountains, and the community of Federal firefighters, suffered a terrible tragedy a little more than a month ago when five Federal firefighters were killed protecting our homes and families. Our constituents have promised to provide for the survivors of Engine Captain Mark Loutzenhiser, Fire Engine Operator Jess McLean, Assistant Fire Engine Operator Jason McKay, Firefighter Daniel Hoover-Najera, and Firefighter Pablo Cerda. With the help of the Riverside County Board of Supervisors and a local United Way chapter, nearly \$1 million has been raised. But we need to ensure that our tax regulations do not block the distribution of this money to the deserving families. My colleague and friend Representative MARY BONO has introduced a very simple bill, which would give permission to the United Way to organize the fund's dispersal. It is a narrow bill that creates a one-time income tax exemption for those firefighter families receiving money from the fund. It also allows donations to the fund to be deductible. Mr. Speaker, it is my hope that the members of this body will help us help these families, who have suffered a terrible loss in the name of public service and protecting our communities from wildfires.

Mrs. BONO. Mr. Speaker, after five United States Forest Service fire fighters were killed in the line of duty battling the Esperanza fire to protect life and property, a fund was set up to help care for the families of these brave men.

Thousands of citizens from across the country donated to this worthy cause. The response was so overwhelming that soon, the County of Riverside found itself with approximately \$1 million to distribute to their survivors. The County turned to the Central County United Way in Hemet, CA to help manage these donations.

Local officials were surprised to learn soon thereafter that tax-exempt charitable organizations are not allowed to raise money for a group as small and specific as the families of these five American heroes.

My colleagues, Chairman JERRY LEWIS and Congressman KEN CALVERT, and I, along with Senators BARBARA BOXER and DIANNE FEINSTEIN, are trying to remedy this situation.

The pain these families have suffered through should not be worsened due to their inability to receive funds that Americans so generously donated. Nor should the United

Way jeopardize its tax exempt status to help distribute these donations.

Sometimes, our rules and regulations just don't make sense and they prevent charity and kind heartedness from being furthered. While no amount of money will ease the suffering of the families of these fallen firefighters, Congress can take an important step to help get them the donations they deserve.

I want to thank Chairman BILL THOMAS, Majority Leader JOHN BOEHNER and Ranking Member CHARLES RANGEL for helping to make this bill possible. Your kindness and thoughtfulness will not be forgotten.

I urge the passage of this critical piece of legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SOCIAL SECURITY TRUST FUNDS RESTORATION ACT OF 2006

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from further consideration of the Senate bill (S. 4091) to provide authority for restoration of the Social Security Trust Funds from the effects of a clerical error, and for others purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. KUCINICH. Reserving the right to object, the title said “for other purposes.” Would you elaborate?

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from California.

Mr. THOMAS. That is boilerplate language that is used. This is something that we do virtually every year because there are always accounting errors, and this allows for the correcting of the accounting errors.

Mr. KUCINICH. Mr. Speaker, I withdraw my objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 4091

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Social Security Trust Funds Restoration Act of 2006”.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) CLERICAL ERROR.—The term “clerical error” means the bookkeeping errors at the Social Security Administration that resulted in the overpayment of amounts transferred from the Trust Funds to the general fund of the Treasury during the period commencing with 1999 and ending with 2005 as transfers, under the voluntary withholding program authorized by section 3402(p) of the Internal Revenue Code of 1986, of anticipated taxes on

benefit payments under title II of the Social Security Act.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Treasury.

(3) TRUST FUNDS.—The term “Trust Funds” means the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

SEC. 3. RESTORATION OF TRUST FUNDS.

(a) APPROPRIATION.—There is hereby appropriated to each of the Trust Funds, out of any money in the Treasury not otherwise appropriated, an amount determined by the Secretary, in consultation with the Commissioner of Social Security, to be equal, to the extent practicable in the judgment of the Secretary, to the difference between—

(1) the sum of—

(A) the amounts that the Secretary determines, in consultation with the Commissioner of Social Security, were overpaid from such Trust Fund to the general fund of the Treasury by reason of the clerical error, and

(B) the amount that the Secretary determines, in consultation with the Commissioner of Social Security, to be equal, to the extent practicable in the judgment of the Secretary, to the interest income that would have been payable to such Trust Fund pursuant to section 201(d) of the Social Security Act on obligations issued under chapter 31 of title 31, United States Code, that was not paid by reason of the clerical error, and

(2) the sum of—

(A) the amounts that are refunded to such Trust Fund as overpayments by reason of the clerical error to the extent not limited by periods of limitation under applicable provisions of the Internal Revenue Code of 1986, and

(B) the interest that is paid to such Trust Fund on the overpayments resulting from the clerical error to the extent allowed under applicable provisions of such Code.

(b) INVESTMENT.—The Secretary shall invest the amounts appropriated to each of the Trust Funds under subsection (a) in accordance with the currently applicable investment policy for such Trust Fund.

SEC. 4. TIMING.

(a) ACTIONS BY THE SECRETARY.—The Secretary shall take such actions as are necessary to accomplish the restoration described in section 3 not later than 120 days after the date of the enactment of this Act.

(b) ACTION BY THE COMMISSIONER.—The Commissioner of Social Security shall cooperate with the Secretary to the extent necessary to enable the Secretary to meet the requirements of subsection (a).

SEC. 5. CONGRESSIONAL NOTIFICATION.

Not later than 30 days after the Secretary takes the last action necessary to accomplish the restoration described in section 3, the Secretary shall notify each House of the Congress in writing of the actions so taken.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA AND UNITED STATES TERRITORIES CIRCULATING QUARTER DOLLAR PROGRAM ACT

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that the Committee on Financial Services be discharged from further consideration of the bill (H.R. 3885) to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam,